

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI BUREAU	DATE OF ISSUE February 13, 2024	EFFECTIVE DATE February 13, 2024	NO. 085-24
SUBJECT: GENERAL ORDER Social Media		DISTRIBUTION All Personnel	AMENDS
REFERENCE: NYSLEAP 28.4			RESCINDS 085-19

Purpose: The Monroe County Sheriff's Office (MCSO) endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the MCSO's position on the utility and management of social media and provides guidance on its management, administration and oversight. This policy is not meant to address one particular form of social media, but rather, social media in general, including advances in technology, which will occur, and new tools, which will emerge.

Policy: Social media provides a valuable means of assisting this office and its personnel in achieving community outreach, problem-solving, investigations, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. This office also recognizes the potential role that these tools can play in the personal lives of some employees. The personal use of social media can have potential repercussions on employees in their official capacities. As such, this policy provides information of a precautionary nature, as well as certain prohibitions on the use of social media by MCSO employees.

Definitions:

Blog: A self published diary or commentary on a particular topic that may also allow visitors to post responses, reactions, or comments. The term is short for "Web log".

Page: The specific portion of a social media platform where content is displayed and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook™, Instagram), microblogging sites (Twitter™), photo- and video- sharing sites (Flickr™, YouTube™), wikis (Wikipedia™), blogs, and news sites (Reddit™).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

I. ON-THE-JOB USE

A. MCSO-Sanctioned Presence on Social Media Sites

1. Determine the Strategy

- a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- * b. Where possible, the page(s) should link to the MCSO's official website <https://www.monroecountysheriff-ny.gov/>
- c. Social media page(s) shall be designed for the target audience(s) such as youth or potential recruits interested in working in one or more of the four bureaus.

2. Procedures

- a. All departmental social media sites or pages shall be approved by the Director of Communications (DC) and shall be administered by the Office of Communications (OC) unless otherwise determined
- b. Where possible, social media pages shall clearly indicate that they are maintained by the MCSO and shall prominently display MCSO contact information
- c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies
 - 1) Social media content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - 2) Content must be managed and stored in a manner where retrieval is possible in order to comply with open records laws and e-discovery laws and policies.
- d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the MCSO.
 - 1) Pages shall clearly indicate that posted comments will be monitored and that the MCSO reserves the right to remove any information that may be deemed inappropriate.
 - 2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

3. MCSO-Sanctioned Use

- a. Personnel representing the MCSO via social media outlets shall:

- 1) Conduct themselves at all times as representatives of the MCSO and, accordingly, shall adhere to all MCSO Rules, Regulations, and General Orders regarding conduct and must also observe conventionally accepted protocols and proper decorum;
 - 2) Identify themselves as members of the MCSO
 - 3) Make no statements about the guilt or innocence of any suspect or arrestee, make no comments concerning pending prosecutions, and shall not post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to MCSO training, activities, or work-related assignments without express written permission.
 - 4) Conduct no political activity or private business.
- b. The use of MCSO computers to access social media is prohibited except those in assignments that require the use of social media
 - c. The use of personally owned devices to manage any MCSO social media activities or in the course of official duties is prohibited without written permission.
 - d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

B. Potential MCSO uses:

1. **INVESTIGATIVE TOOL:** Social media can be a valuable investigative tool when seeking evidence or information relative to: missing persons, wanted persons, gang participation, online crimes (e.g. cyberbullying, cyberstalking), photos or videos of a crime (or fruits thereof) posted by a participant or observer, or photos, videos, or posted statements tending to connect an individual with a crime or an incident.
2. **COMMUNITY OUTREACH:** Social media can be for community outreach and to engage the public by: providing crime prevention tips, offering online-reporting opportunities, sharing crime maps and date, and soliciting tips about unsolved crimes / cold cases (e.g. Crime Stoppers, text-a-tip)
3. **NOTIFICATIONS:** Social media can be used to make time sensitive notifications relative to: road closures, special events, weather emergencies, and missing or endangered persons (e.g. Amber Alerts).
4. **EMPLOYMENT:** Social media can be used as a valuable recruitment mechanism to reach those who seek employment positions via searching the internet.
5. **BACKGROUND CHECKS:** The MCSO must include Internet-based content when conducting background investigations of job candidates.
 - a. Searches of internet based content should be conducted by a background investigator.
 - b. Information pertaining to protected classes shall be filtered out prior to sharing any information found online.

- c. Persons authorized to search Internet-based content should be deemed authorized and specific to their background investigation.
- d. Search methods shall not involve techniques that violate existing laws.
- e. Vetting techniques shall be applied uniformly to all candidates.
- f. Every effort must be made to validate Internet-based information considered during the hiring process.

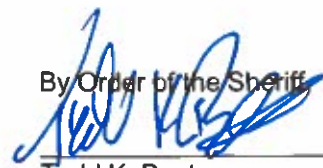
II. PERSONAL USE

A. PRECAUTIONS AND PROHIBITIONS: Employees of the MCSO shall abide by the following when using social media:

- 1. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the MCSO with other organizations, does not impede the employee's performance of duty or the performance of duty of any other employee, does not impair discipline and harmony among co-workers, and does not negatively affect the public perception of the MCSO.
- 2. As public employees, MCSO personnel are cautioned that speech on or off duty, made pursuant to their official duties – that is, speech that owes its existence to the employee's professional duties and responsibilities – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the MCSO. Personnel should assume that their speech and related activity on social media sites will reflect upon themselves as well as the MCSO.
- 3. MCSO personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Sheriff or his designee.
- 4. For safety and security reasons, MCSO personnel are cautioned not to disclose their employment with the MCSO and employees shall not post information pertaining to any other employee without that employee's permission.
- 5. MCSO employees are cautioned not to:
 - a. Display MCSO logos or uniforms on their personal web pages
 - b. Post personal photographs or provide similar means of personal recognition which identify them as a MCSO employee. Employees, who work in undercover operations, shall not post any form of visual or personal identification on social media sites.
- 6. When using social media, MCSO members should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the General Orders and Rules and Regulations is required during personal use of social media. In particular, personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images or acts and statements or other forms of speech that ridicule malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.

- b. Speech involving themselves or other MCSO employees engaged in behavior that would reasonably be considered reckless or irresponsible.
- 7. Engaging in prohibited speech, noted herein, may provide grounds for undermining or impeaching a member's testimony in criminal proceedings.
- 8. Employees may not divulge information gained due to their employment at the MCSO;
- 9. Employees may not make any statements, speeches, appearances, or endorsements or publish materials that could reasonably be considered to represent the views or positions of the MCSO without express authorization.
- 10. MCSO employees should be aware that they may be subject to civil litigation for:
 - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not a legitimate public concern, and would be offensive to a reasonable person;
 - c. Using another person's name, likeness, or other personal attributes without his or her permission for an exploitative purpose;
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- 11. MCSO employees should be aware that privacy settings and social media sites are in constant flux; one should never assume that personal information posted on social media sites is protected.
- 12. MCSO employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum, specifically pertaining to the MCSO, may be accessed by the MCSO at any time without prior notice.
- 13. REPORTING VIOLATIONS – Any employee who becomes aware of or has knowledge of a posting or any website or web page that displays information in violation of the provisions of this order shall notify his or her supervisor immediately.

By Order of the Sheriff



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